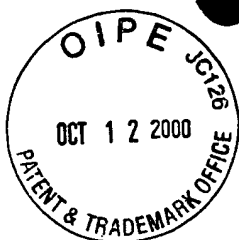


#4

PHLY-24,767



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeffry Jovan PHILYAW and David Kent MATHEWS  
Serial No.: 09/417,863  
Filed: October 13, 1999  
Group: 2756  
Examiner: Not Yet Assigned  
For: SOFTWARE DOWNLOADING USING A TELEVISION BROADCAST CHANNEL

Assistant Commissioner of  
Patents  
Washington, D.C. 20231

Dear Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, DC 20231 on

10 October 2000

(Date of Deposit)

John J. Arnott Reg. No. 39,095

(Name of Person Mailing Document)

John J. Arnott

(Signature)

10/10/00

(Date of Signature)

INFORMATION DISCLOSURE STATEMENT

In accordance with the requirements of 37 C.F.R. §§ 1.56, 1.97, and 1.98, attached please find a Form PTO-1449 listing information for consideration by the Office in connection with its examination of the above-captioned patent application.

To Applicants' knowledge, this information disclosure statement is being filed before the mailing date of a first Office Action on the merits. Therefore, pursuant to 37 C.F.R. §1.97(b)(3), no fee is believed necessary for its consideration. Applicants request that this information disclosure statement

be considered and that a copy of the Form PTO-1449 be returned to the undersigned indicating the consideration of each document listed.

It is brought to the Examiner's attention that those references listed on the attached Form PTO-1449 which are denoted with an asterisk (\*) next to the line item number were previously submitted to the Office in a prior application, namely SN 09/151,530 (now USPN 6,098,106), which is relied upon in the current application for an earlier filing date under 35 U.S.C. §120. Pursuant to 37 C.F.R. 1.98(d), copies of such previously submitted items are not provided herein. Copies of the remaining references are enclosed herein.

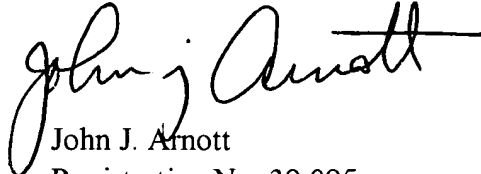
### **REMARKS**

Applicants submit that no representation is made, and no representation is intended, that more relevant material does not exist, or that the order of presentation of these materials in any way reflects their relevant pertinence. The listing on the attached Form PTO-1449 is not intended to constitute an admission of any kind. Specifically, this presentation is not an admission that any of the items listed are properly citable against the above-identified application as prior art. Applicants respectfully submit that their invention is patentable over the enclosed documents listed on Form PTO-1449.

Please charge any additional fees or deficiencies in fees necessary for the filing of this paper or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,767 of HOWISON, CHAUZA, HANDLEY & ARNOTT, L.L.P.

Respectfully submitted,

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Attorneys for Applicants



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JJA/

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